

COUNTY OF YORK

MEMORANDUM

DATE: June 27, 2005 (BOS Mtg. 7/19/05)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed conveyance of platted but unopened street—Mill Lane in Harwood Mills subdivision

The County has been approached by Charter Hall Builders, the owner of Lot 9, Block B of Harwood Mills subdivision to purchase from the County a platted but unimproved stub street shown on the subdivision plat as a portion of Mill Lane. Attached is a copy of a survey of Lot 9, Block B, which also shows the subject portion of Mill Lane in question as a stub street of 50' in width and approximately 176' in length. The plat for Harwood Mills subdivision was approved by the County in 1958, so that, upon the recordation of the subdivision plat, the County became the owner in fee simple of all of the public streets created as part of the subdivision. See Code of Virginia § 15.2-2265. Charter Hall Builders seeks to acquire the stub portion of Mill Lane and to combine it with existing Lot 9, Block B which then would become large enough to be resubdivided into two buildable lots. Charter Hall Builders has agreed to pay the County the sum of \$30,000 for the unimproved street. The County's Department of Environmental and Development Services has reviewed the request, and has noted that it would have no objection to the vacation and conveyance of the street, as the portion of Mill Lane in question is not only unimproved, but it dead ends at the rear of Heritage Square Shopping Center. While in 1958, a continuation of Mill Lane out to Route 17 may have been contemplated, as a long-range plan it now appears inadvisable.

In order for the County Administrator to enter into a contract for the sale of the stub portion of Mill Lane, the street must be vacated, and the Board must approve the conveyance of the unimproved right-of-way. Both actions require a public hearing, one to vacate the road (by ordinance) and the other for a resolution to approve the conveyance.

Attached for your consideration are Ordinance No. 05-20 for the vacation of the roadway, and Resolution R05-124 which would authorize the County Administrator to sign an agreement for the sale of the property and also to execute such deeds and other documents as may be necessary to complete the conveyance.

Barnett/3440:sw
Attachment

- Survey of Lot 9, Block B showing subject property
- Ordinance No. 05-20
- Resolution R05-124